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Approved for use through 10/31/2002. OMB 0651-0931  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b> <b>MAY 24 2002</b> <i>(to be used for all correspondence after initial filing)</i>		<b>Application Number</b> <b>10/087,229</b>
		<b>Filing Date</b> <b>February 27, 2002</b>
		<b>First Named Inventor</b> <b>CHOU, QUIN</b>
		<b>Group Art Unit</b> <b>1635</b>
		<b>Examiner Name</b> <b>Unassigned</b>
Total Number of Pages in This Submission	12	<b>Attorney Docket Number</b> <b>BIOS-001</b>

**ENCLOSURES (check all that apply)**

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached	<input type="checkbox"/> Assignment Papers <i>(for an Application)</i> <input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Group
<input checked="" type="checkbox"/> Preliminary Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Appeal Communication to Group <i>(Appeal Notice, Brief, Reply Brief)</i>
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Proprietary Information
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Certified Copy of Priority Documents	<input type="checkbox"/> Request for Refund	<input checked="" type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i> <b>Executed Declaration;</b> <b>Preliminary Amendment;</b> <b>Paper copy of Sequence Listing;</b> <b>Certification Regarding Sequence Listing;</b> <b>PTO Form SB08A;</b> <b>4 Documents;</b> <b>1 Computer readable disk;</b> <b>Return receipt postcard</b>
<input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input checked="" type="checkbox"/> CD, Number of CD(s) 1	

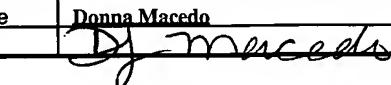
Remarks

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual Name	BRET E. FIELD, Reg. No. 37,620	
Signature		
Date	May 21, 2002	

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: May 21, 2002.

Typed or printed name	Donna Macedo	Date	May 21, 2002
Signature			

Burden Hour Statement: This form is estimated to take .2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



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# FEE TRANSMITTAL for FY 2002

*Patent fees are subject to annual revision.*

**TOTAL AMOUNT OF PAYMENT** (\$ 1194.00)

## METHOD OF PAYMENT

1.  The Commissioner is hereby authorized to charge indicated fees and credit overpayments to:

Deposit Account Number 50-0815  
Deposit Account Name Bozicevic, Field & Francis LLP  
 Charge Any Additional Fee Required  
Under 37 CFR 1.16 and 1.17  
 Applicant Claims small entity status.  
See 37 CFR 1.27

2.  Payment Enclosed:

Check  Credit Card  Money Order  Other

## FEE CALCULATION

### 2. BASIC FILING FEE

Large Entity Fee Code	Fee (\$)	Small Entity Fee Code	Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	740.00
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

### SUBTOTAL (1)

### 1. EXTRA CLAIM FEES

Extra Claims		Fee from below	Fee Paid
Total Claims	24-20** = 4 x	18.00	= 72.00
Indep. Claims	6-3** = 3 x	84.00	= 252.00
Multiple Dependent		=	

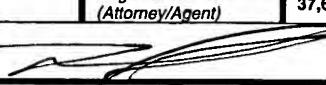
Large Entity Fee Code	Fee (\$)	Small Entity Fee Code	Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

### SUBTOTAL (2) \$ 324.00

*\*\*or number previously paid, if greater; For Reissues, see above.*

Complete If Known	
Application Number	10/087,229
Filing Date	February 27, 2002
First Named Inventor	CHOU, QUIN
Examiner Name	Unassigned
Group Art Unit	1635
Attorney Docket No.	BIOS-001

FEE CALCULATION (continued)					
Fee Code	Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid	
105	130	205	65 Surcharge – late filing fee or oath		130.00
127	50	227	25 Surcharge – late provisional filing fee or cover sheet		
139	130	139	130 Non-English specification		
147	2,520	147	2,520 For filing a request for ex parte reexamination		
112	920*	112	920* Requesting publication of SIR prior to Examination action		
113	1,840*	113	1,840* Requesting publication of SIR after Examiner action		
115	110	215	55 Extension for reply within first month		
116	400	216	200 Extension for reply within second month		
117	920	217	460 Extension for reply within third month		
118	1,440	218	720 Extension for reply within fourth month		
128	1,960	228	980 Extension for reply within fifth month		
119	320	219	160 Notice of Appeal		
120	320	220	160 Filing a brief in support of an appeal		
121	280	221	140 Request for oral hearing		
138	1,510	138	1,510 Petition to institute a public use proceeding		
140	110	240	55 Petition to revive – unavoidable		
141	1,280	241	640 Petition to revive – unintentional		
142	1,280	242	640 Utility issue fee (or reissue)		
143	460	243	230 Design issue fee		
144	620	244	310 Plant issue fee		
122	130	122	130 Petitions to the Commissioner		
123	50	123	50 Processing fee under 37 CFR 1.17(q)		
126	180	126	180 Submission of Information Disclosure Stmt		
581	40	581	40 Recording each patent assignment per property (times number of properties)		
146	740	246	370 For each additional invention to be examined (37 CFR § 1.129(a))		
149	740	249	370 For each additional invention to be examined (37 CFR § 1.129(b))		
179	740	279	370 Request for Continued Examination (RCE)		
169	900	169	900 Request for expedited examination of a design application		
Other fee (specify) _____					
*Reduced by Basic Filing Fee Paid					
SUBTOTAL (3) (\$ 130.00)					

SUBMITTED BY					
Complete (if applicable)					
Name (Print/Type)	Bret E. Field	Registration No. (Attorney/Agent)	37,620	Telephone	(650) 327-3400
Signature				Date	05/21/2002

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

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# UNITED STATES PATENT AND TRADEMARK OFFICE

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 WASHINGTON, D.C. 20231  
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/087,229	02/27/2002	Quin Chou	BIOS-001

24353  
 BOZICEVIC, FIELD & FRANCIS LLP  
 200 MIDDLEFIELD RD  
 SUITE 200  
 MENLO PARK, CA 94025



CONFIRMATION NO. 6940

## FORMALITIES LETTER



\*OC000000007761488\*

Date Mailed: 04/02/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

### *Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.

*Applicant must submit \$ 740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*

05/28/2002 NBERHE 00000021 500815 10087229

- Total additional claim fee(s) for this application is \$972.

■ \$720 for 40 total claims over 20.	01 FC:101	740.00 CH
■ \$252 for 3 independent claims over 3 .	02 FC:105	130.00 CH
	03 FC:103	72.00 CH
	04 FC:102	252.00 CH

- The oath or declaration is missing.

*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*

- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

- **The balance due by applicant is \$ 1842.**

- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file

in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**For questions regarding compliance to these requirements, please contact:**

- **For Rules Interpretation, call (703) 308-4216**
- **To Purchase PatentIn Software, call (703) 306-2600**
- **For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)**

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*A copy of this notice **MUST** be returned with the reply.*



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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE